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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/469,644	12/22/1999	ALLAN R. GRIEBENOW	065446.0128	5227

7590

02/26/2003

AXCESS, INC  
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Carrollton, TX 75006

EXAMINER

PHILIPPE, GIMS S

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/469,644

Applicant(s)

GRIEBENOW, ALLAN R.

Examiner

Gims S Philippe

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 5, 7, 8, 10
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This is a first Office Action in response to application no. 09/469,644 filed on December 22, 1999 in which claims 1-27 are presented for examination.

#### ***Specification***

2. The disclosure is objected to because of the following informalities: the application makes reference to filed US Patent applications, however, the serial number of those applications are not included in the statements (See for example page 14, lines 7 and 10. The applicant is urged to review the application in order to provide the serial numbers related to the cited applications.

Appropriate correction is required.

#### ***Drawings***

3. The formal drawings received on March 20, 2000 have been approved by the Draftsperson.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaios (US Patent no. 6,271,752) in view of Aviv (US Patent no. 6,028,626).

Regarding claims 1, 15-20 and 25-26, Vaios discloses a method for providing remote monitoring services (See Vaios' Abstract). The method comprising receiving and storing video data from a video data facility, and providing the subscriber with access to and control of a video camera in the video system at the facility (See Vaios col. 3, lines 14-36, col. 4, lines 61-65).

It is noted that although Vaios provides the subscriber with access (See Vaios col. 4, lines 5-14), it is silent about providing the subscriber with the radio frequency identification data from the RFID system as specified.

However, Aviv discloses providing a subscriber with the radio frequency identification data from an RFID system (See col. 9, lines 60-67 and col. 10, lines 1-10). The applicant should duly note that the image of wearer in Aviv is also recorded as disclosed in col. 10, lines 4-9.

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying the remote monitoring method of Vaios by incorporating a radio frequency identification data from an RFID system. The motivation for performing such modification in Vaios is to help when users are being identified by providing the subscriber with ID cards that include the electronic radio

frequency transmitter with the appropriate encrypted authorization code as taught by Aviv (See Aviv col. 13, lines 44-51).

As per claim 2, most of the limitations of this claim have been noted in the above rejection of claim 1. In addition, ViaoS further discloses providing the subscriber with access wherein the video information is received over the Internet (See ViaoS fig. 1, item 6, and col. 4, lines 61-65).

As per claims 3-4 and 6-7, most of the limitations of this claim have been noted in the above rejection of claim 1. In addition, ViaoS further discloses processing the data to determine whether an alert condition exists and notifying the subscriber if an alert condition exists, and wherein the alert is a subscriber defined alert (See ViaoS' Abstract, col. 4, lines 15-34, lines 61-65, and col. 6, lines 9-12).

As per claim 5 and 21-23, most of the limitations of this claim have been noted in the above rejection of claim 3. In addition, ViaoS further discloses generating an e-mail to the subscriber (See ViaoS col. 4, lines 5-14).

As per claims 8-12, 24 and 27, most of the limitations of this claim have been noted in the above rejection of claim 1.

It is noted that although ViaoS discloses a polling event (See ViaoS col. 3, lines 24-41, col. 4, lines 47-61), it is silent about the use of the RDIF to poll when dealing with a specific pre-defined time and periodic event as specified.

Aviv discloses using RDIF to poll when dealing with a specific pre-defined time and periodic event (See Aviv col. 9, lines 25-37, lines 60-64, and col. 8, lines 48-67).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying ViaoS' polling step of the remote monitoring method by incorporating the step of using RDIF to poll when dealing with a specific pre-defined time and periodic event. The motivation for performing such modification in ViaoS is to provide a cost efficient monitoring system, which depends on the level of security of a specific location as taught by Aviv (See Aviv col. 8, lines 45-51).

As per claims 13-14, since the system provided by ViaoS includes an operating software providing resource allocation and computational mechanism, it is plausible to conclude that in such a system, the time and attendance of the subscriber is rather inherent at the time of programming a handshaking step as disclosed in col. 3, lines 32-64 and in col. 4, lines 30-66.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ito et al. (US Patent no. 6,456,321) teaches surveillance camera apparatus, remote surveillance apparatus and remote surveillance system having the surveillance camera apparatus and the remote surveillance apparatus.

Courtney (US Patent no. 6,385,772) teaches monitoring system having wireless remote viewing and control.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S Philippe whose telephone number is (703) 305-1107. The examiner can normally be reached on M-F (9:30-7:00) Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on (703) 305-4780. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-9052 for regular communications and (703) 308-9052 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Gims S Philippe  
Examiner  
Art Unit 2613

GSP

February 19, 2003

  
**GIMS S. PHILIPPE**  
**PATENT EXAMINER**